

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUGENE LUMLEY, Individually and on Behalf
of All Other Persons Similarly Situated,

Plaintiffs,

-against-

UNITED STATES TRUST COMPANY, N.A.,
BANK OF AMERICA, N.A., JOHN DOES #1-
10, Jointly and Severally,

Defendants.

No. 08 CV 3993 (SAS) (AJP)

(TAG)

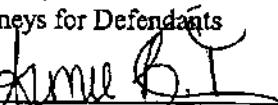
STIPULATION DISMISSING
DEFENDANT UNITED STATES
TRUST COMPANY, N.A.

WHEREAS BANK OF AMERICA, N.A ("BANA") is the successor in interest to UNITED STATES TRUST COMPANY, N.A. ("U.S. TRUST") because effective February 22, 2008, U.S. TRUST merged with and into BANA and thereafter ceased to exist as a legal entity;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned, attorneys of record for the parties herein, that Plaintiff EUGENE LUMLEY's claims under the Fair Labor Standards Act and the New York Labor Law against Defendant UNITED STATES TRUST COMPANY, N.A. in the above-entitled action brought on behalf of EUGENE LUMLEY, Individually and on Behalf of All Other Persons Similarly Situated ("Plaintiff"), may be and hereby are dismissed without prejudice.

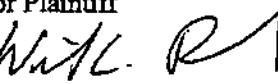
Dated: New York, New York
May 20, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP
Attorneys for Defendants

By: 
Aimee B. Fiorin
Hil L. Rosenberg
666 Fifth Avenue
New York, NY 10103
Tel: 212-506-5000

Dated: New York, New York
May 20, 2008

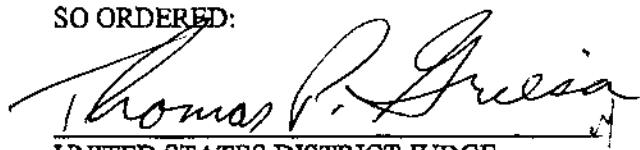
LAW OFFICE OF WILLIAM COUDEK RAND
Attorneys for Plaintiff

By: 
William C. Rand
711 Third Avenue, Suite 1505
New York, NY 10017
Tel: 212-268-1425
Fax: 212-599-7909

Fax: 212-506-5151

Jeffrey M. Gottlieb
Berger & Gottlieb
150 East 18th Street, Suite PHR
New York, New York 10003
Tel: 212-228-9795

SO ORDERED:


Thomas P. Griesa
UNITED STATES DISTRICT JUDGE
5/30/08